

Response After Final
Serial No. 09/991,749
Attorney Docket No. 011503

REMARKS

Claim 1-10 are pending in the present application. No amendment has been proposed. It is respectfully submitted that this Response is fully responsive to the Office Action dated June 2, 2005.

As to the Merits:

As to the merits of this case, the Examiner maintains the following rejections:

- 1) claims 1, 2, 3, 5, 6, 7 and 8 stand rejected under 35 USC §103(a) as being unpatentable over Muschallik (U. S. Patent No. 6,636,727) in view of Shiga (U.S. Patent No. 6,240,019);
- 2) claim 4 stands rejected under 35 USC §103(a) as being unpatentable over Muschallik in view of Shiga and Ogita (U.S. Patent No. 4,225,823); and
- 3) claims 9 and 10 stand rejected under 35 USC §103(a) as being unpatentable over Muschallik in view of Yanagibori (U.S. Patent No. 4,919,640) and Shiga.

Each of these rejections is respectfully traversed.

It is respectfully submitted that the rejection of claims 1-10 is improper since Muschallik (USP 6,636,727) fails to qualify as prior art under 35 USC §§102 and 103(a).

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More specifically, the 102(e) date of the Muschallik reference is February 26, 2001, since the international application PCT/DEOO/02066 filed on June 26, 2000 was filed prior to November 29, 2000, and therefore the June 26, 2000 date can not be used as a 102(e) date, since the reference must be applied under the provisions of 35 USC '102 and 374, prior to the AIPA amendments.

Therefore, Muschallik's 102(e) date of February 26, 2001 falls after the foreign priority date of November 29, 2000 of the present application.

Moreover, in order to perfect the filing date of the present application, and thereby establish the foreign priority date of November 29, 2000 as the effective filing date for the present application, Applicants enclose herewith a verified English language translation of the Japanese priority document 2000-362252 of the present application. Accordingly, withdrawal of the rejection of claims 1-10 based on Muschallik is respectfully requested.

In view of the aforementioned accompanying remarks, Applicants submit that that the claims are in condition for allowance. Applicants request such action at an early date.

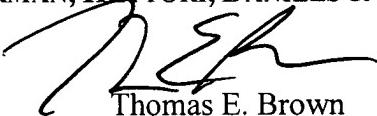
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachment: Verified English translation of the Japanese priority document JP 2000-362252.